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EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,357

Applicant(s)

NAKATANI, RINTARO

Examiner

LUU MATTHEW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 4&29, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 12 and 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 12, the new limitations added to claim 12 in the amendment filed November 4, 2004, "and means for temporality eliminating one or more of the non-selected graphs from the screen by issuing a temporary elimination command by the pointing device specifying the axes of the one or more non-selected graphs which are to be temporarily eliminated." The Applicant should note that these limitations were not described in the specification as originally filed.

The Applicant has added new claims 17-20 in the amendment filed November 4, 2004 to introduce the new negative limitations in these claims, "wherein the axis corresponding to the selected graph is not a axis of either a scroll bar or a scaling bar." The Applicant should note that these negative limitations were not described in the specification as originally filed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C).

Regarding claim 1, the admitted prior art (APA) (Fig. 5A) discloses a graphical display adjusting system comprising:

means for selecting one graph out of a plurality of graphs (graph TG and graph DTA) which are displayed on a screen by specifying a display area of an index area on a screen by pointing device corresponding to the selected graph (in Fig. 5A, the graph DTA being selected); and means for scrolling a graph of the type of data by another operation of the pointing device with the index area being specified (Fig. 5A, graph DTA being scrolled upward by another "dragging" operation of the pointing device). See the specification, page 3, and lines 1-5.

Furthermore, Fig. 6C shows that the user can select one type of a plurality of graphs by specifying a display area of either the scroll bars (S) or the scale bars (P).

The only difference between the claimed invention and the APA is that the claim requires "an axis", instead of the index display area as disclosed in Figs. 5A and 5B.

However, as defined in Webster's New World Dictionary, 3rd College Edition, "an axis" is a real or imaginary straight line on which an object rotates or is regarded as rotating or a straight line for measurement or reference, as in a graph. Thus, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a scroll bar area as an axis with index numbers 100, 150, and 200

for measurement or references, as in a graph. Thus, the scroll bar with the index area as shown in Fig. 5A can be considered as the display area of an axis of a graph.

Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Regarding claim 2, note the rejection as set forth above with respect to claim 1 above. The only difference between claim 1 and claim 2 is that claim 2 requires “a scaling operation”, instead of a scrolling operation. However, Fig. 5B of the APA discloses the “scaling operation”.

Regarding claim 3, note the rejection as set forth above with respect to claims 1 and 2. The APA clearly shows (Figs. 5A and 5B) both of the “scrolling operation” and the “scaling operation”. See specification, page 3, lines 1-13.

Regarding claims 4 and 5, the APA discloses (Fig. 5A) the scrolling of the selected graph (in Fig. 5A, the graph DTA being selected) is performed by dragging on the axis display area (the index area).

Regarding claims 8 and 9, the only difference between the claimed invention and the APA is that the claim requires moving the mouse closer to the axis for selecting the type of data. However, the APA shows (Fig. 6A) that the type of graph being selected is to move the mouse closer to the desired graph for performing graph selecting function. It would have been obvious to the person of ordinary skill in the art to recognize that it is an obvious variation as to whether move a cursor closer to the graph or to the axis for performing graph selecting function, since either way would provide the same function for selecting a graph. Furthermore, clicking a mouse button for selecting a displayed image on a display screen is conventional in the art.

Furthermore, the APA (Fig. 6C) discloses that the type of graph can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding graph type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Regarding claims 10 and 11, note the rejection as set forth above with respect to claims 8 and 9.

Regarding claim 12, note the rejection as set forth above with respect to claim 1. Furthermore, as to the means for temporarily eliminating a graph of an unnecessary type of data from the screen, by looking at Fig. 5A of the APA, the person of ordinary skill in the art would recognize that the graph (DTA) can be eliminated by clicking on

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one of the scroll bars and keep scrolling the DTA graph upward by keep dragging the mouse on the index area. And if the user feels that the TG graph is an unnecessary type of data, he/she can do the same thing by clicking and dragging to eliminate the TG graph as he/she does for the DTA graph.

Regarding claims 13, 14, 15, and 16, the APA (Fig. 5A) discloses wherein the axis corresponding to the selected graph (graph DTA) has markings (100, 150, 200) denoting different values of the selected graph along the axis. Furthermore, the marking of the values on the X and Y-axes are well known in the art.

Claim Rejections - 35 USC § 103

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) as applied to claims 1-2 above, and further in view of Watanabe et al (6,411,274).

Regarding claims 6-7, the only difference between the APA and the claimed invention is that the claims require enlarging an image by rotating a wheel.

However, Watanabe et al discloses (Figs. 5 and 6) enlarging an image by rotating a wheel. See column 6, lines 4-11. It would have been obvious to the person of ordinary skill in the art to use the mouse with rotating wheel for enlarging/reducing an image on a display screen, as taught by Watanabe et al, to provide a more convenient and faster way to enlarge/reduce an image without performing the trouble some of dragging the mouse back and forth on the mouse pad.

Claim Rejections - 35 USC § 103

Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) as applied to claims 1-3 and 12 above, and further in view of Kahn (5,581,678) (which was cited in the non-final office action mailed of July 1, 2004).

Regarding claims 17-20, the only difference between the disclosure of the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) and the claimed invention is that the claims require the negative limitations of "wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. However, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Furthermore, the Applicant should note that negative limitations tend to define the invention in terms of what it is not, rather than pointing out what the invention is.

On the other hand, Kahn discloses (Fig. 5A) the displaying of selected graph (505), wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. It would have been obvious to the person of ordinary skill in the art to use the axes of the graph that has markings and labels, as taught by Kahn, into the graphs displaying system of the admitted prior art (APA) to allow a user to easily read and analyze the data on the graphs.

Regarding claims 21-24, Kahn discloses (Fig. 5A) the displaying of selected graph (505) comprises a coordinate axis (starring at the 0 coordinate) of the selected graph.

Response to Arguments

Applicant's arguments filed November 4 and 29, 2004 have been fully considered but they are not persuasive.

The Applicant argues, on page 15 (Nov. 4, 2004), by asserting that the admitted prior art (APA) (Figs. 5-6) "does not disclose means for selecting one graph from a plurality of graphs displayed on a screen by specifying an axis corresponding to the selected graph by a pointing device". The examiner respectfully disagrees. The admitted prior art (APA) (Fig. 5A) discloses means for selecting one graph out of a plurality of graphs (graph TG and graph DTA) which are displayed on a screen by specifying a display area of an index area on a screen by pointing device corresponding to the selected graph (in Fig. 5A, the graph DTA being selected); and means for scrolling a graph of the type of data by another operation of the pointing device with the index area being specified (Fig. 5A, graph DTA being scrolled upward by another "dragging" operation of the pointing device). See the specification, page 3, and lines 1-5. Furthermore, the APA (Fig. 6C) discloses that the type of graph can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding graph type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

In response to applicant's arguments, on page 17, against the APA and Watanabe references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant further argue, at pages 9-10 (Nov. 29, 2004), by asserting that the APA does not disclose 'display area of an axis corresponding to the selected graph'. The examiner respectfully disagrees. As defined in Webster's New World Dictionary, 3rd College Edition, "an axis" is a real or imaginary straight line on which an object rotates or is regarded as rotating or a straight line for measurement or reference, as in a graph. Thus, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a scroll bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Thus, the scroll bar with the index area as shown in Fig. 5A can be considered as the display area of an axis of a graph.

Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER